

July 28, 2017

VIA ECF

Honorable Lorna G. Schofield
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

RE: Contant, et al. v. Bank of America Corporation, et al., 17-cv-3139

Dear Judge Schofield:

The sixteen undersigned defendants respectfully write to request permission to file a memorandum of law in support of their Rule 12(b)(6) motion to dismiss not to exceed thirty-five (35 pages), which is due on August 4, 2017.¹ Defendants' consolidated memorandum of law under Rule 12(b)(6) must address not only plaintiffs' federal claim but also all of plaintiffs' antitrust claims under New York, Arizona, California, Illinois, Minnesota, and North Carolina law, as well as all of plaintiffs' consumer protection claims under California, Florida, and Massachusetts law. Many of these state laws pose distinct obstacles to plaintiffs' claims that require separate discussion. Defendants have sought plaintiffs' consent, but plaintiffs have declined to consent to more than a four-page extension. No previous page-extension request has been made with respect to this brief in support of defendants' motion to dismiss under Rule 12(b)(6).

We remain available should the Court require further information.

¹ As provided in the scheduling order, a group of foreign defendants anticipate filing a separate motion to dismiss the complaint for lack of personal jurisdiction under Rule 12(b)(2). (See So-Ordered Stipulation, ¶ 7 in No. 17-civ-4392 (June 26, 2017) (ECF 20).)

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